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C O U N C I L      C O M M U N I C A T I O N

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TO:        THE CITY COUNCIL  
FROM:      THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE  
OCTOBER 5, 1988

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SUBJECT:    ADOPT A STAFF REPORT ON NEGOTIATED ACQUISITION OF PARKER/BRIGGS AND KETTELMAN  
             PROPERTIES, OR IN THE ALTERNATIVE, TO SET A DATE FOR CONSIDERATION OF ADOPTION  
             OF A RESOLUTION OF NECESSITY

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PREPARED BY:                      City Attorney

BACKGROUND INFORMATION:    As the Council is aware, the City is in the process of acquiring property for the project generally referred to as the C-Basin park. In order to deal with various interests, the park plan was redesigned, which resulted in the necessity or desirability of acquiring a portion of property to the east of the original location, belonging to the Parker-Briggs family. Although some increased costs resulted from this redesign, Mr. Geweke has indicated his willingness to absorb the additional costs in order to satisfy his needs for a 600-foot deep frontage on Beckman Road.

The owners of the adjacent Parker-Briggs land have indicated a willingness to sell the necessary land at the same price agreed upon in the Geweke-Kettelman transaction, as long as the park which was created is named "The Reuben and Mary Pixley Park". This proposal has not met a broadly favorable response. On one hand, the Pixley name apparently is not widely recognized from a local historical perspective. On the other hand, the present owners of this land (Parker-Briggs) feel that the land is worth more than the \$26,200 per acre presently anticipated as a sales price, and therefore feel they are making a substantial donation or accommodation in exchange for naming the park after their ancestors. It appears that the naming of the park is the only remaining point of contention.

The proposed agreement between Mr. Geweke and the City, which will be distributed to the Council prior to consideration of this agenda item, spells out Mr. Geweke's agreement to indemnify the City for the increased costs of constructing the park based on the redesign to accommodate his needs, and other incidental costs as enumerated. The Geweke and Kettelman interests have expressed no concern one way or another over the naming of the park.

On the other hand, if the Council finds it unacceptable to name the park after the Pixleys, but still desires to move forward promptly with the construction of the redesigned plan, it may be necessary to commence condemnation of the Parker-Briggs land in order to keep the project moving forward in a timely fashion. Gerald Sperry, attorney for the Geweke interests, has stated that Mr. Geweke would be willing to agree in advance to pay whatever value was established for the property in the condemnation action, and to pay the attorney's fees for Mr. Sperry to participate as co-counsel in the condemnation action, should that be required.

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Time has become an element in this project. The option held by Mr. Geweke from the Kettelmans to purchase the property apparently expired in May of this year, and has been held open on a verbal agreement. However, Bob Elliot, the Kettelman's attorney, has indicated that if the matter does not move forward promptly, the Kettelmans would have to reconsider the proposal, and would be seeking another appraisal to establish the present value of the land.

RECOMMENDATION: There appear to be two options available to the Council in this matter; first, if the Council is agreeable to naming the C-Basin park "The Reuben and Mary Pixley Park", the matter can probably be disposed of quickly since Mr. Geweke has indicated his willingness to pay the additional costs involved in the land acquisition and redesign. However, if the Council does not desire to name the park after the Parker-Briggs ancestors, it may be necessary to acquire the property by condemnation if the Council wants to build the park as redesigned. In that event, the Council should, at this meeting, set a date to consider the adoption of a resolution of necessity in order to commence eminent domain proceedings. It is recommended that the second meeting in November be designated for that purpose if this is the option the Council desires.

Respectfully submitted,



BOB McNATT  
City Attorney

BM :vc

## C O U N C I L      C O M M U N I C A T I O N

TO: THE CITY COUNCIL  
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE  
OCTOBER 5, 1988

AGENDA TITLE: ADOPT A STAFF REPORT ON NEGOTIATED ACQUISITION OF PARKER/BRIGGS AND KETTELMAN PROPERTIES OR, IN THE ALTERNATIVE, TO SET A DATE FOR CONSIDERATION OF ADOPTION OF A RESOLUTION OF NECESSITY

PREPARED BY: City Attorney

BACKGROUND INFORMATION: At the Council meeting of September 28, 1988, the City Attorney was directed to explore possible disposition of the matter involving redesign of and land acquisition for the C-Basin park on Beckman Road.

As the Council will recall, the original design of the park was modified somewhat to accommodate the desires of Daryl Geweke, who wished to acquire adjacent property from the Kettelman family. A second plan was drafted, which has been found by the Parks and Recreation Department to be preferable to the original design. However, the redesign involves placing the park east of the existing Basin on land which presently belongs to the Parker/Briggs family.

The Parker/Briggs family has stated they are willing to sell the necessary land to the City of Lodi for the same amount as that paid by **Mr.** Geweke to the Kettelmans (\$26,260 per acre), but as a condition, wish the park to be named "Rueben and Mary Pixley Park" in honor of the Parker/Briggs ancestors.

This condition has not been universally endorsed by parties involved, who point out that parks are traditionally named to honor families who donate the land, not simply sell it to the public entity. However, the Parker/Briggs family believes their land is worth over twice the amount per acre paid by Mr. Geweke to the Kettelmans for adjacent land, and thus they feel they are making a substantial donation toward the park.

After consultation and negotiation with Attorneys Lewis Hawkins, representing the Parker/Briggs interest, Gerald Sperry representing Mr. Geweke, and Robert Elliot on behalf of the Kettelmans, there appear to be three workable options available:

OPTION 1:

Abandon plans to expand the C-Basin, and construct a park. This does not appear practical based on the City's needs and Council's desires as heretofore expressed.

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OPTION 2:

Execute a four-party agreement in which the City agrees to build the revised plan and name the park "Rueben and Mary Pixley Park". Under this scenario, the Parker/Briggs family will accept the same amount per acre (\$26,260 per acre), Mr. Geweke will agree to pay the additional costs of the redesigned plan, and the Kettelmans will sell the land necessary to the City and to Mr. Geweke. Tentative negotiations indicate this is acceptable to the Kettelmans and Mr. Geweke.

The only real hurdle left under this option is the willingness of the Council to name the park after the Pixley family. If that is agreeable, then this appears to be the most viable option.

OPTION 3:

Under this option, should the Council decide against naming the park after the Pixley family, and the Briggs/Parker family will not voluntarily sell the land otherwise, the Council may wish to set a date for a hearing on a resolution of necessity to acquire the land by eminent domain. If this is done, Mr. Geweke has indicated his willingness to pay the ultimate value of the land as determined in litigation, as well as costs of an associate lawfirm for the litigation.

Before this is done, however, a finding should be made by the City Council that the second design is preferable for municipal needs, and not adopted primarily to accommodate Mr. Geweke. The City may not use its eminent domain powers to acquire land simply to assist private interests. However, **if** the second design of the park is preferable from a municipal standpoint, the fact that Mr. Geweke is an incidental beneficiary is unimportant.

The desirability of this option should be weighed against the risks inherent in litigation. If found preferable, the Council should set the hearing on the resolution of necessity for the November 2, 1988 Council meeting.

On the other hand, if the second option (naming the park after the Pixley family) is **decided** upon, a resolution authorizing the City Manager and City Clerk to execute the necessary documents for acquisition of the land, and designating the site "Rueben and Mary Pixley Park" should be brought back for adoption at the October 19, 1988 Council meeting.

Respectfully submitted,



BOB McNATT  
City Attorney

BM :vc

CCCBASIN.6/TXTA.01V

## History of the Rueben Pixley Family

As taken from the Pixley Family Bible and other clippings found and taken from Lodi local papers at the death of different members of the family.

September 4, 1988 the following was written by Henry Russell Briggs one of the nephews of the Reuben and Mary Briggs Pixley family.

Theron Pixley who was the father of Reuben Pixley was born October 29, 1814, in the State of Michigan. He was married to Sarah, in Oakland County, City of Groveland, State of Michigan on February 6, 1839.

Theron Pixley came to California in the year 1849 and bought land southwest of Lodi where Micke's Grove Park now stands. We are presenting a map of this beautiful park to show that there is a slough running through it. named in honor of Theron Pixley and is now known as Pixley Slough.

Theron Pixley returned east in 1852.

His son Reuben Pixley was born March 2, 1842, a native of Michigan. He came to San Joaquin County in 1856 and settled on his father's farm which had been taken in 1849 (where Micke's Grove is now). To get to California he came via the Isthmus of Panama by a sailboat from New York and from Panama by sailboat to San Francisco.

He farmed this land until the Civil War broke out and then enlisted in the U.S. Army and was sent to Salt Lake City where he was maintained in quarters for 4 years before returning to San Joaquin County where he purchased 160 acres close to the City of Lodi and built a two story house on the property and lived there raising hay and grain and keeping stock.

I have visited my Uncle Reuben and Aunt Mary many times both when they lived on Kettlemen Lane and when living at 712 Cherokee Lane and have talked to Uncle Reuben about his Civil War days in the army. He said they marched his contingent from Stockton, Sacramento by foot to Nevada where they were in charge of protecting the silver and gold fields and the pack trains carrying there minerals east where the proceeds were used to maintain the armies of the North in the war with the South. In the march to Nevada he said he wore out his shoes, damaged his feet, and after being discharged from the army was given a pension for life.

When he lived on Kettlemen Lane after his marriage to my Aunt Mary Jane Briggs in Modesto in 1868, my parents Delbert and Rose Briggs took me to their home via Southern Pacific to

Lathrop. From there to Stockton and from there to Lodi via the 3rd rail traction engine getting off at Kettleman and walking the 1/41 mile west to their two story home where we spent Christmas. The year was 1904.

By this time the land around Lodi had been planted to fruit trees, cherries, plums and grapes principally Tokay and Zinfandel of which 20 acres of his 160 acres were planted in Tokay in 1898, and 20 acres of Zinfandel which are now in the year 1388 still vigorous and in good health being now known as the Whittaker's Vineyard just south of Vine and bordered on the east by the future extension of Myrtle Avenues. Four plus acres on the west boundary of this vineyard is the part of the Whittaker Vineyard that the City of Lodi is now seeking to improve the proposed park adjacent to the "C Drainage Basin".

While on this 160 acre farm which later was planted all to vine and fruit trees, Reuben and Mary Briggs Pixley became the parents of three children: Silvia Etta Pixley, born May 30, 1875 and died October 19, 1877; Gra Emma Pixley, born September 17, 1880 and died April 14, 1973; and Chester Briggs Pixley, born January 4, 1883 and died February 19, 1904. The above names and dates were taken from the Pixley Bible.

The death of Chester was quite tragic. He was coming in from pruning with the pruning shears over his shoulders. They slipped off and struck him in the right heel causing lockjaw from which he died the next day at the age of 21. His father Reuben Pixley had gone to the County Seat in Stockton to grant him a deed to part of the ranch of this day to find his son in this condition as a result he never received his inheritance as his other sister Ora Pixley Whittaker. Sometime before 1918 the Pixley family moved to a home at 712 Cherokee Lane and farmed part of the land which was of the 160 acres owned when living on Kettleman Lane and took in the 40 acres of vineyard on the corner of Vine and Myrtle Avenues and is a part of the acreage before mentioned as the 4 plus acres that the City of Lodi now seeks to annex to the new park which we the remaining heirs hope the City of Lodi will feel as we do shall be named Pixley Pioneer Park.

On May 9, 1905, Reuben and Mary Pixley's daughter Ora E. Pixley was married in Lodi to Marion William Whittaker lovingly known to the people of Lodi as "Bill". It is not known to me for sure just when the family moved to Cherokee Lane but when they did, Reuben built the two story home there and also a smaller home for Ora and Bill next door at 714 Cherokee Lane. From then on Bill farmed and managed the vineyards, some already planted as noted before in this manuscript which would also include the vineyard now known as the Whitaker Ranch on corner of Vine and Myrtle Avenues.

Bill Whittaker no doubt may well **be** remembered by the present citizens of Lodi than would Reuben Pixley, he having been a far older pioneer of the area.

Reuben, however, was well know[ed] in his day, having died in August 15, 1927, by his chronies of Civil War days who met. at local gatherings in Lodi and also which members of his Lodge I.O.O.F. and the Hartford Post Grand Army of the Republic of which he was a charter member. Bill Whittaker a member of the Masonic Lodge and Shriner died August 15, 1950 leaving all of the Whittaker Pixley property to his wife Ora Pixley Whittaker,

Ora Pixley Whittaker in her own right was a well known lady of Lodi taking part in the activities of the Hartford Post No. 155 Grand Army of the Republic of which she was assistant. adjutant and by a clipping from the Oakland Tribune dated January 8, 1930 was given the honor of being the first woman to have the distinction of being a member of the Grand Army of the Republic. Mrs. William Rose of Wibash, Indiana was to be the second woman in the United States to thus honored.

The above taken from clippings found in Lodi and San Francisco newspapers.

At the death of Ora Pixley Whittaker on April 14, 1973, Stanton R. Briggs, Mildred Briggs Parker, and Henry Russell Briggs were named in' her Will as beneficiaries to the 40 acre vineyard known now as tho Nhittaker Ranch on the corner of Vine and Myrtle Streets.

At the death of Stanton Briggs and his wife Kitty, their share became, by their Will, the property of Stanton's sister Mildred Briggs Parker. Some years ago, Henry Russell Briggs deeded his share of said property to his two sons, James R. Briggs and Robert O. Briggs and to his three grandchildren Jo-Lynne, Jeffrey and Judith Briggs. The property is now in their names, the Mildred Parker share being 2/3 and the remaining undivided 1/3 in the names above who are the descendants of Henry Russell Briggs.

To the best of my ability, I have written all of the above consisting of 3 pages and attest it to be true and of great historical value. Most of which has been taken from the Pixley Bible and other clippings from the Lodi paper and **also** to my persona! knowledge of events that happened.

To this I attest in the name of God. Born in Modesto, California on July 10, 1898.

*Henry Russell Briggs*  
Henry Russell Briggs

4/14/73  
**Ora Whittaker**

Mrs. Ora Emma Pixley Whittaker, 92, of 9 S. California St., died Saturday morning in a local hospital after an extended illness.

A native of Lodi, she was the daughter of the late Reuben and Mary Jane Pixley, pioneers of this area. Born on the Pixley Ranch on old Cherokee Lane, she attended Lodi elementary schools and was a graduate of Lodi High School. On May 9, 1905, she was married to Marion William "Bill" Whittaker, a prominent Lodi vineyardist who died in 1950.

Mrs. Whittaker is survived by three cousins, Mrs. Mildred K. Parker of Stockton, Stanton R. Briggs and H. Russell Briggs of Modesto.

She was a 50 year member of the Lodi Chapter No. 150, Order of Eastern Star; of the Lodi Travel Club; the Lodi Whist Club; the Lodi 500 Club and the Lodi Woman's Club.

Funeral services will be held at 11 a.m. Tuesday in the chapel of the Gierhart and Wells Funeral Home.

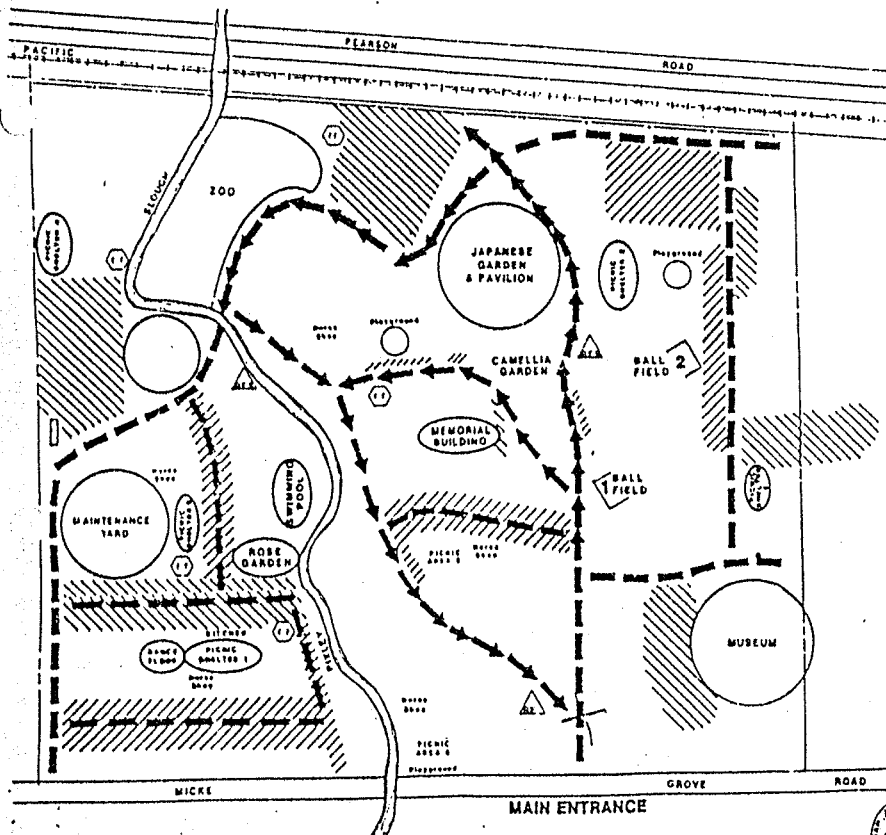
Burial will be at Lodi Memorial Cemetery.



# MICKE GROVE PARK

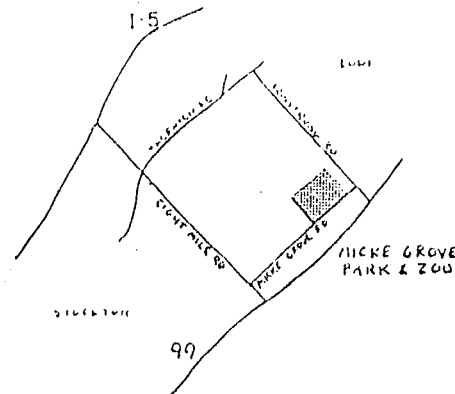
- \* 259 Acre Park
- \* Zoo
- \* Swimming Pool
- \* Softball Diamonds
- \* Horseshoe Pits-
- \* Picnic/BBQ Areas
- \* Banquet/Meeting Facilities
- \* Historical Museum

- \* Japanese Garden & Pavilion
- \* Rose Garden
- \* Camellia Garden
- \* Playgrounds
- \* Drinking Fountains
- \* Concession Stand
- \* Restrooms



## Micke Grove Park & Zoo

LOCATION: Five miles north of Stockton, between Stockton and Lodi. One-half mile west of Highway 99 or three miles east of I-5, take Eight Mile Road to Micke Grove Road.



### PARK POLICIES

- Dogs and cats permitted on leash only. No pets allowed in the zoo.
- Fires permitted in designated sites only.
- Treat nature with respect. Do not damage or remove park plants or animals.
- Keep motor vehicles on paved areas. No parking on grass, walkways, or trails.
- Solicitation is prohibited on park property except by permit.
- Possession of firearms or other dangerous weapons is prohibited within and adjacent to the parks.
- Dispose of litter and rubbish in designated containers.

# MICKE GROVE

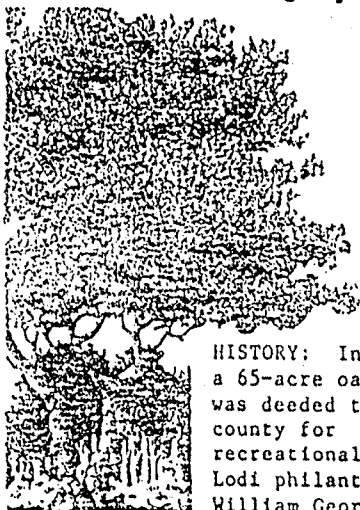


# PARK & ZOO

Micke Grove Park & Zoo, 11793 N. Micke Grove Rd., Lodi, CA 95240



## Micke Grove Legacy



**HISTORY:** In 1938, a 65-acre oak grove was deeded to the county for recreational use by Lodi philanthropist William George

Micke and his wife, Julia. Motivated by a concern for the environment and a sharing nature, Micke established a memorial building activity center dedicated to his wife, a swimming pool, and a zoo.

Micke Grove Park has since grown to encompass 259 acres. Currently, only 65 acres are developed with expansion projects underway in several locations. The nucleus for many annual community events, the park draws over 20,000 people to the San Joaquin County Spring Festival each May.

Areas of special interests at Micke Grove Park include:

- Rose Garden donated by the Lodi Garden Club.

- Camellia Garden donated by K. O. Hester.

- Micke Grove Zoo housing seals, lions, tigers, bears, monkeys, and a large collection of birds from around the world. A new environmentally designed exhibit features rare and endangered animals of the tropical forests including the golden lion tamarin monkey.

Micke Grove Zoo plays an important roll in wildlife education, recreation, conservation and

animal studies with various special programs.

Assistance for many of its projects is provided by the San Joaquin County Zoological Society. Donations and volunteer services may be arranged by contacting the zoo office.

- Julia Harrison Micke Memorial Building, available for public use on a rental basis, provides an indoor auditorium with stage, kitchen and several indoor banquet/conference rooms.



- Japanese Garden donated by the Japanese American Citizens League. The garden was designed by Nagao Sakurai, Superintendent of the Imperial Palace Garden in Tokyo for 20 years.

Complimenting the tranquil garden is a newly completed Japanese Pavilion available for public use on a rental basis.

The Japanese Garden is open periodically for tours. Call 463-0578 for decent guided tours.

- San Joaquin County Historical Museum overseen by the county Historical Society, the museum is dedicated to the preservation of agricultural history. A tool and tractor collection, a nature walk and a tree and vine building are some of the featured attractions. The museum is open Wednesday through Sunday from 1:00 p.m. to 5:00 p.m. Call 368-9154 for more information.



- Outdoor group facilities, both covered and open are available in a variety of sizes.

## Hours of Operation

To reserve any of the park facilities, call (209) 953-8800, or (209) 331-7400 Monday through Friday, from 8:00 a.m. to 5:00 p.m.

**HOURS:** Micke Grove Park is open from 8:00 a.m. to dusk daily.

Micke Grove Zoo is open from 10:00 a.m. to 5:00 p.m. daily. From April through September, weekend zoo hours are extended to 7:00 p.m. (Friday, Saturday, Sunday and major holidays). Call the zoo at (209) 953-8840 or 331-7270.

Micke Grove Swimming Pool is open from Memorial Day through Labor Day. Pool days and hours are: Tuesday through Sunday, noon to 6:00 p.m. During the summer call 331-7277.



The San Joaquin County Department of Parks and Recreation receives Federal funds. All of its public programs and activities must be operated free from discrimination, on the basis of race, color, national origin, age, or handicap.

San Joaquin County  
Department of Parks and Recreation  
4520 W. Eight Miles Road  
Stockton, CA 95209  
(209) 953-8800  
(209) 331-7400